

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re:	§	
	§	
BM318, LLC,	§	Case No. 20-42789
	§	
Debtor.	§	
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Timothy Barton, <i>et al.</i> , ¹	§	
	§	
Appellants,	§	Civil Action No. 4:24-cv-863-P
	§	
v.	§	<i>Appeal from Adv. No. 21-04051</i>
	§	<i>U.S. Bankruptcy Court</i>
Cortney C. Thomas, Receiver, <i>et al.</i> ,	§	<i>Northern District of Texas</i>
	§	
Appellees.	§	

**RECEIVER’S JOINDER IN THE DIXON WATER FOUNDATION
AND LUMAR LAND & CATTLE, LLC’S APPELLEE BRIEFS**

Under Federal Rule of Appellate Procedure 28(i) and Federal Rules of Bankruptcy Procedure 8014(e) and 8018(a)(2), and expressly subject to the Motion

¹ Cortney C. Thomas, the court-appointed receiver of BM318, LLC (the “Receiver”), has utilized this case style solely because the Clerk styled the case this way. For the avoidance of doubt, however, the Receiver does not agree that BM318, LLC should be listed as, or that it is, an appellant, and the Receiver reserves all rights and does not waive the right to assert that BM318, LLC is not the appellant.

The only person who filed a notice of appeal was Timothy Barton, and Mr. Barton lacks legal authority to act for BM318, LLC, which is under receivership pursuant to the *Order Appointing Receiver*, entered at ECF No. 417 in Civil Action No. 3:22-cv-2118-x, pending in the U.S. District Court for the Northern District of Texas, Dallas Division (“Receivership”). As argued in the Appellees’ pending *Joint Motion to Dismiss Appeal* [ECF No. 13] (“Motion to Dismiss”), Timothy Barton is not a proper appellant as he does not possess standing to bring this appeal either on behalf of BM318 or in his individual capacity.

to Dismiss, appellee Cortney C. Thomas, Receiver, in an effort to conserve the Receivership's estate resources, joins in and adopts by reference the *Lumar Land & Cattle, LLC's Appellee Brief* [ECF No. 14] and *Brief of Appellee The Dixon Water Foundation* [ECF No. 15].

RESPECTFULLY SUBMITTED this 4th day of December, 2024.

By: /s/ C. Alan Carrillo

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**ATTORNEYS FOR CORTNEY C.
THOMAS, RECEIVER OF BM318, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this the 4th day of December, 2024, true and correct copies of this document were electronically served by the Court's ECF system on parties entitled to notice thereof, including on Timothy Barton through Kaitlyn Coker, Esq., counsel of record.

/s/ C. Alan Carrillo

C. Alan Carrillo